



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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Arnold
Schwarzenegger
Governor

May 4, 2007

In the Matter of

Water Quality Certification

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
HIGHWAY 101 POST MILE 25.36 AND 29.60 CULVERT MAINTENANCE PROJECT
WDID NO. 1B07006WNME**

APPLICANT: California Department of Transportation
RECEIVING WATER: Unnamed tributary to the Russian River and Gold Gulch Creek
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.31
COUNTY: Mendocino County
FILE NAME: Highway 101 Post Mile 25.36 and 29.60 Culvert Maintenance

BY THE EXECUTIVE OFFICER:

1. On January 19, 2007, the California Department of Transportation (Caltrans and Applicant) filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Highway 101 post mile 25.36 and 29.60 Culvert Maintenance Project. Additional information was received on March 22, 2007 and a fee in the amount of \$500.00 was received on May 3, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 29, 2007, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. Caltrans will conduct culvert maintenance activities in two locations along Highway 101 near Ukiah in Mendocino County. The first work area is located at post mile 25.36 and activities will include the placement of rock riprap at both the inlet and outlet of a culvert in an unnamed tributary to the Russian River to reduce scour. The riprap will be made of small rock (under ¼ ton), which will be placed individually by a backhoe. At the outlet of the culvert there will be willow pole planting to aid in bank stabilization. Water is present year round in the unnamed tributary to the Russian

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River. Because of this Caltrans will use a check dam and If water needs to be diverted it will be gravity fed through a flex culvert attached to the inside of the existing culvert, and delivered back to the ditch, downstream of the work area.

3. The second work area is located on Highway 101 at post mile 29.60. The culvert at this location conveys Gold Gulch Creek, a small seasonal stream, under Highway 101. Caltrans intends to pave the invert of the existing culvert and to place riprap at the outlet. The riprap will be installed in the same way as described for location one. All work will take place when the streambed is dry.
4. The project will result in permanent impacts to 0.01 acres (450 ft²). Temporary impacts will result from parking and construction staging. Additionally, 13.5 yd³ of permanent fill will be added to Waters of the United States.
5. Compensatory mitigation will be provided on site. Caltrans proposes to mulch and seed grassland/shoulder areas temporarily disturbed by construction access and plant willow poles in the RSP at the culvert outlets.
6. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control Best Management Practices (BMPs) to reduce the potential for turbid discharges to surface waters. All BMPs and control measures shall be implemented as described in the project description and in compliance with the Caltrans Construction Site Best Management Practices Manual.
7. The project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The project meets the exemption criteria under title 14, California Code of Regulations, section 15301(c) Existing Facilities. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
8. On April 2, 2007, the United States Army Corps of Engineers issued the Applicant coverage under Nationwide Permit Number 3: Maintenance Projects (File number 400387N), pursuant to the Clean Water Act, section 404.
9. On March 19, 2007, the California Department of Fish and Game issued the Applicant a 1602 Streambed Alteration Agreement.

Receiving Water: Unnamed tributary to the Russian River and Gold Gulch Creek, Upper Russian River Hydrologic Area No. 114.31.

Filled or Excavated Area: Permanent Impacts: 0.01 acres

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 101 POST MILE 25.36 AND 29.60 CULVERT MAINTENANCE PROJECT (FACILITY NO. 1B07006WNME), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Caltrans complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
4. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
5. Caltrans shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
6. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
7. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this Order.
8. Caltrans shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor or subcontractors.

9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
11. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly and in accordance with the Special Provisions for the project and/or Standard Specification 7-1.13, Disposal of Material Outside the Highway Right of Way. Caltrans shall submit to the Regional Water Board the satisfactory evidence provided to the Caltrans engineer by the Contractor referenced in Standard Specification 7-1.13.
12. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
13. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
14. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practices Manual (Manual) and all contractors and subcontractors shall comply with the Manual.
15. All conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this project.
16. The Resident Engineer shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including

instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least weekly, and particularly before forecasted storm events and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or biological monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.

17. All mitigation activities shall be completed as proposed in the application. This includes the planting of willows at the outlet of location two, and the seeding and mulching of all disturbed areas.
18. Check dams shall be used to slow storm water velocity and trap sediments within the drainages as proposed in the application.
19. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
20. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
21. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation

- c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
22. The authorization of this Order for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
23. Please contact Mona Dougherty of our staff at (707) 570-3761 if you have any questions or need to report any violation of this Order.

Catherine E. Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification

Original sent to: Mr. Charlie Fielder, California Department of Transportation, 1656 Union Street, Eureka, CA 95501

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Craig Martz, Department of Fish and Game, 601 Locust Street, Redding, CA 96001

Mr. Alex Arevalo, California Department of Transportation, 1656 Union Street, Eureka, CA 95501